

Charles X. Gormally, Esq. (Bar No. 023581979)

Lucas Markowitz, Esq. (Bar No. 023802011)

BRACH EICHLER L.L.C.

101 Eisenhower Parkway

Roseland, New Jersey 07068-1067

(973) 228-5700

Attorneys for Jane Doe 1, individually

and on behalf of all other persons similarly situated

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

JANE DOE 1, individually and on
behalf of all other persons similarly
situated,

Plaintiff,

vs.

BANC, JACK & JOE, LLC dba
TITILATIONS GO-GO-BAR, BANC
PERO, JOSPEH CARERI, JACK
PERO, ABC COMPANIES 1-10 and
JOHN DOES 1-10,

Defendants.

Civil Action No.: 2:17-cv-03843-KSH-CLW

**DECLARATION OF LUCAS A.
MARKOWITZ, ESQ. IN SUPPORT OF
PLAINTIFF'S MOTION FOR
CONDITIONAL COLLECTIVE
CERTIFICATION AND JUDICIAL
NOTICE AND FOR CLASS
CERTIFICATION**

I, **Lucas A. Markowitz**, of full age declares as follows:

1. I am an attorney at law in the State of New Jersey and an Associate in the law firm of Brach Eichler L.L.C., attorneys for Plaintiff Jane Doe 1, individually and on behalf of all others similarly situated. I am fully familiar with the facts set forth in this matter and the foregoing is based upon personal knowledge.

2. I make this Declaration in support of Plaintiff's motion for conditional certification pursuant to 29 U.S.C. § 216(b) and for class certification pursuant to Fed. R. Civ. P. 23.

I. Exhibit Listing

3. Attached hereto as **Exhibit A** are the relevant portions of the deposition of Banc Pero (“Pero Dep.”), appearing as Defendant Banc, Jack & Joe, LLC’s Fed. R. Civ. P. 30(b)(6) corporate representative on November 20, 2018.

4. Attached hereto as **Exhibit B** is a true and correct copy of Exhibit 5 of the Pero Dep.

5. Attached hereto as **Exhibit C** is a true and correct copy of Exhibit 6 of the Pero Dep. Bates Stamped P00003-P00016.

6. Attached hereto as **Exhibit D** is a true and correct screenshot of the Titillations’ website “Dancer Schedules” page for the two weeks ending April 2, 2017, last accessed on March 22, 2017.

7. Attached hereto as **Exhibit E** is true and correct a screenshot of the Titillations’ website “Dancer Schedules” page, last accessed on April 17, 2019 (<http://gogonj.com/httpgogonj-comnext-week-full-view-2/>).

8. Attached hereto as **Exhibit F** are the relevant portions of the deposition of Jane Doe (“Doe Dep.”), on November 14, 2018.

9. Attached hereto as **Exhibit G** is a true and correct copy of my July 31, 2018 letter to Defendants’ counsel amending Plaintiff’s interrogatories with a damages estimation.

II. Class Counsel is Capable and Qualified

10. Between lead counsel, Brach Eichler Member Charles X. Gormally, Esq. (“Gormally”) and Associate Lucas A. Markowitz, Esq. (“Markowitz”), this firm is capable and qualified to handle the representation of this class action.

11. Gormally and Markowitz have been involved in extensive class action/associational/representative plaintiff litigations throughout New Jersey. For example:

- A successful prosecution and resolution of exemption misclassification and denial of overtime case. Robinson et al. v. Freedom Home Healthcare et al., 2:18-cv-09079-ES-CLW.
- Obtained conditional certification and successful resolution in exemption misclassification case. Robles et al. v. Vornado Realty Trust et al., 2:15-cv-01406-JLL-JAD.
- A successful prosecution and resolution of an unpaid overtime class action. MacArthur et al. v. Allendale Comm. for Mature Living of New Jersey et al., Docket No. BER-L-2863-11 (consolidated with ESX-L-6293-11).
- A successful challenge to the enforcement and application of the City of Hoboken's Rent Control Ordinance on behalf of a class of multi-family property owners. DeNardo v. City of Hoboken, et al., Docket No. HUD-L-690-10;
- Obtaining injunctive relief on behalf of a state-wide group of specialty physicians resulting in the successful defense of a claim for recovery of \$20 million asserted against them by a large managed care company. American College of Cardiology – New Jersey Chapter, et al. v. Horizon Healthcare Services, Inc., et al., Docket No.: MON-C-360-04;
- Representative plaintiff actions in Morristown, Parsippany and Fort Lee involving rent control issues on behalf of a representative association of multi-family property owners. Morristown Property Owners Association v. Town of Morristown, Docket No.: MRS-L-120-02; Property Owners & Managers Ass'n v. Parsippany-Troy Hills, 264 N.J. Super. 538 (App. Div. 1993);
- A successful resolution of a class action claim in the Superior Court of New Jersey, Middlesex County, against a high-profile multifamily property owner brought by current and former tenants alleging consumer fraud, breach of contract and entitlement to punitive damages. Mules, et al. v. Kushner Co., et al., Docket No.: MID-L-3070-05;
- On behalf of an association of physicians, asserting objections to the class action settlements in the actions entitled Sutter v Horizon Blue Cross Blue Shield, Docket No.: ESX-L-3685-02, 406 N.J. Super. 86 (App. Div. 2009) and Love v Horizon Blue Cross Blue Shield, Civ. No. 03-21296 (United States District Court for the Southern District of Florida).
- Representing a state-wide association of multifamily property owners before the New Jersey Supreme Court in a matter involving the application of the federal Fair Debt Collection Practices Act. Hodges v. Sasil Corporation, 189 N.J. 210 (2007).

I declare under penalty of perjury that the foregoing statements are true and correct.

Dated: April 29, 2019

By: /s/ Lucas A. Markowitz
Lucas A. Markowitz, Esq.
101 Eisenhower Parkway
Roseland, New Jersey 07068
(973) 228-5700
lmarkowitz@bracheichler.com